

MEMO ENDORSED



THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

MICHAEL A. CARDOZO
Corporation Counsel

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 7/16/08

Assistant Corporation Counsel
Room 3-183
Telephone (212) 788-0893
Facsimile (212) 788-9776
ptank@law.nyc.gov

July 15, 2008

VIA HAND DELIVERY

Honorable Lewis A. Kaplan
United States District Judge, SDNY
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

Re: Lloyd Moore v. City of New York et al., 08 Civ. 3487 (LAK)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department assigned to the defense of the above-referenced matter on behalf of defendant City of New York ("City"). In that regard, defendant City writes to respectfully request that the Court grant the City until July 29, 2008 to move to dismiss the Complaint. As background, counsel for plaintiff and defendant are presently engaged in discussions regarding whether plaintiff will proceed with any claims against defendant City. Defendant City sent a proposed Stipulation and Order of Withdrawal and Dismissal of all Claims Brought Against the City of New York to plaintiff on July 10, 2008. If plaintiff agrees to execute the proposed Stipulation and Order of Withdrawal and Dismissal, it would eliminate the need for defendant City to file a motion to dismiss. Counsel for plaintiff advised defendant that plaintiff will likely agree to withdraw the claims against the City, but he must speak with his client, who is currently incarcerated, before executing the proposed Stipulation and Order. By letter yesterday counsel for plaintiff requested that the Court order the correctional facility where his client is incarcerated to make his client available to speak with him via telephone. Accordingly, in order to save all parties the time and resources involved in engaging in motion practice, defendant City respectfully requests that the Court grant the City until July 29, 2008 to move to dismiss the Complaint so that the parties can attempt to resolve these issues without Court intervention.

[Signature]
ORDERED

LEWIS A. KAPLAN, USDJ

7/16/08

I thank the Court for its time and consideration of this request.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Philip S. Frank", with a stylized flourish at the end.

Philip S. Frank (PF-3319)
Assistant Corporation Counsel
Special Federal Litigation Division

cc: **Via Facsimile (914) 946-9585**
Tracie A. Sundack, Esq.
Attorney for Plaintiff
19 Court Street, 3rd Floor
White Plains, NY 10601